BEFORE THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WP 4347/2004(SB)
(~~Other matters~~)

Petitioner: Purushottam Patwar S/o Shri Mithilesh Patwar
Steneo Typist
Additional Chief Secretary (Finance),
State of Chhattisgarh, Mantrayalaya, DauKalyan Singh Bhavan
PO & Distt. Raipur (CG)

P.R. No. 4365/04
Presented by Shri Aditya Sharma
dated 9/11/04

Vs.

Respondents:

1. State of Chhattisgarh through Secretary.
General Administration Department,
Mantralaya, DKS Bhavan,
Post office and Distt. Raipur (CG)..

2. Chhattisgarh State Schedule Tribe Commission,
State of Chhattisgarh,
61, Jal Vihar Coloney,
P.O & Distt. Raipur (CG).

3. Collector (Tribal Development) Korea,
P.O & Distt. Korea (C.G).

4. State of Madhya Pradesh,
Through Secretary,
General Administration Department,
Secretariat Vallabh Bhavan, Bhopal (MP)

5. Union of India,
Through Secretary,
Schedule Tribe and Schedule Cast Mantralaya
Shastri Bhavan, New Delhi 1

Petition under article 226/227 of Constitution of India for issuance of a Writ of mandamus and certiorari and any other writ/direction/order

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(51)

आदेश पत्रक

मामला क्रमांक W.P. NO.4347 सन् 2004 / 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

16/12/2004

Shri C.S. Kanoje, Counsel for the petitioner.

Smt. Fouzia Mirza, Panel Lawyer for the State.

Heard on admission as well as on M.W.P.No.4700/2004.

Petitioner in the year 1993 obtained a Caste Certificate from the District Organizer Tribal Welfare, Ambikapur wherein his caste was mentioned as "Manzhi". Thereafter, the said certificate on the application of the petitioner himself was enquired and in that enquiry show cause notice was issued and in reply to that notice, the petitioner admitted that in all the records the caste of his father has been mentioned as "Kewat" and that is also correct. He simply advanced that Kewat also includes "Manzhi". On the basis of decision of High Power Committee, Additional Collector, Dist. Korea, cancelled the caste certificate obtained by the petitioner in the year 1993 vide his order dated 26/10/2004. Petitioner has challenged that order.

Whether any person belongs to Scheduled Caste or Scheduled Tribe that can be determined only in accordance with the Articles 341 and 342 of the Constitution of India and if any caste has not been included therein to be treated as Scheduled Caste or Scheduled Tribe, that whatever the arguments may be, cannot be accepted as Scheduled Caste or Tribe.

Admittedly, when the petitioner himself admits that his father has been recorded as "Kewat". In that case, prima facie, the caste of the petitioner will be treated as "Kewat" and the Commission coming to the conclusion neither erred nor the

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Additional Collector on the basis of the report of Commission, cancelling the caste certificate vide impugned order violates his jurisdiction or committed any error or passed any order causing any miscarriage of justice. In my opinion, there is no material to invoke the writ jurisdiction, therefore, petition filed by the petitioner is liable to be dismissed and is accordingly dismissed summarily. Consequently, M.W.P.No.4700/2004 and I.A.No.8799/2004 stand disposed of. **Sd/-** **V.K. Shrivastava** **Judge**	

[पीछे देखिये